

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

ANGELA M. SMITH,

Plaintiff,

vs.

DEPUTY OSZ, BLACK HAWK
COUNTY JAIL,

Defendants.

No. C10-2048-LRR

ORDER


This matter is before the court pursuant to the plaintiff's application to proceed in forma pauperis. The clerk's office filed such application on July 12, 2010. Along with her application to proceed in forma pauperis, the plaintiff submitted a complaint.

The plaintiff did not submit the statutory \$350.00 filing fee. *See* 28 U.S.C. § 1914(a) (requiring \$350.00 filing fee). In order for a court to authorize the commencement of an action without the prepayment of the filing fee, a person must submit an affidavit that includes a statement of all the assets the person possesses. 28 U.S.C. § 1915(a)(1). In addition, a prisoner must submit a certified copy of the trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of the complaint, obtained from the appropriate official of each prison. 28 U.S.C. § 1915(a)(2). A prisoner bringing a civil action in forma pauperis is required to pay the full \$350.00 filing fee. 28 U.S.C. § 1915(b)(1). The full filing fee will be collected even if the court dismisses the case because it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks money damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

The plaintiff's application to proceed in forma pauperis, as filed, is insufficient. The plaintiff did not submit a completed certified copy of her inmate account statement for the past six months, obtained from the appropriate prison official. *See* 28 U.S.C. § 1915(a)(2). If she wishes to pursue this matter, the plaintiff is directed to file a certified copy of her inmate account statement by no later than October 25, 2010. If necessary, the plaintiff may request in a written motion an extension of time to submit a proper certified copy of her inmate account statement. If the plaintiff fails to comply with this order, this case may be dismissed for failure to respond to an order of the court. Fed. R. Civ. P. 41(b); *Edgington v. Missouri Dept. of Corrections*, 52 F.3d 777, 779-80 (8th Cir. 1995); *cf.* L.R. 41.1(b)(4). The court reserves ruling on the plaintiff's application to proceed in forma pauperis and complaint.

IT IS SO ORDERED

DATED this 5th day of October, 2010.



JON STUART SCOLES
Magistrate Judge
UNITED STATES DISTRICT COURT